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27 February 1995

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LETTER DATED 24 FEBRUARY 1995 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention the following instances of violations by Iraq of the terms of the cease-fire between the two countries.

1. On 16 November 1994, at 1450 hours, Iraqi forces deployed an automatic machine-gun near the geographic coordinates of TP 290-560 on the map of Khorramshahr.

2. On 16 November 1994, 18 Iraqi forces with complete equipment and a Grinov machine-gun were observed moving from near the geographic coordinates of ND 410-100 on the map of Khosravi in no man's land towards the geographical coordinates of ND 380-100 on the map of Khosravi, west of border pillar 55.

3. On 16 November 1994, a concentration of 26 Iraqi forces was observed on top of Height 408 at the geographic coordinates of ND 390-126 on the map of Khosravi, west of border pillar 56/1.

4. On 16 November 1994, 47 Iraqi motorboats with a total of 112 personnel were observed patrolling Arvand Rud.

5. On 17 November 1994, two Iraqi groups, one consisting of three and the other of five soldiers, were observed demolishing bunkers at the geographic coordinates of ND 459-992 on the map of Khosravi in no man's land, south of border pillars 51 and 52, and at the geographic coordinates of ND 415-930 on the map of Khosravi in no man's land, north of border pillar 54.

6. On 17 November 1994, 57 Iraqi motorboats with a total of 116 personnel were observed patrolling Arvand Rud.

7. On 18 November 1994, at 1545 hours, eight Iraqi forces, stationed near the geographic coordinates of QA 385-705 on the map of Yebis in no man's land, north-east of border pillar 22/2, started firing with light weapons towards Iranian forces. At 1610 hours, on the same day, two white vehicles joined the Iraqi forces and were stationed at the same place.

8. On 18 November 1994, 21 Iraqi motorboats with a total of 64 personnel were observed patrolling Arvand Rud.

9. On 19 November 1994, 71 Iraqi motorboats with a total of 185 personnel were observed patrolling Arvand Rud.

10. On 20 November 1994, at 1800 hours, Iraqi forces deployed an anti-aircraft machine-gun near the geographic coordinates of NC 351-565 on the map of Naftshahr, south-west of border pillar 45, near Haft-Dahaneh bridge.

11. On 21 November 1994, at 1045 hours, an Iraqi vehicle with 17 passengers moved from the geographic coordinates of ND 374-069 to the geographic coordinates of ND 387-102 on the map of Khosravi. At 1256 hours, on the same day, the vehicle returned to the former location with only eight passengers.

12. On 21 November 1994, 76 Iraqi motorboats with a total of 143 personnel were observed patrolling Arvand Rud near Alishahr stream.

13. On 22 November 1994, at 1730 hours, Iraqi forces stationed at the Khosravi border post near Manzarieh gate at the geographic coordinates of ND 429-049 on the map of Khosravi were observed installing a new flag with a longer pole.

14. On 24 November 1994, five Iraqi forces from Iraq's Hemad Shahab sentry post occupied the positions built previously at the geographic coordinates of QA 080-928 on the map of Meimeh River, south of border pillar 22/4.

15. On 24 November 1994, 42 Iraqi motorboats with a total of 75 personnel were observed patrolling Arvand Rud.

16. On 26 November 1994, 24 Iraqi motorboats with a total of 61 personnel were observed patrolling Arvand Rud.

17. On 27 November 1994, after inspecting Iraq's Manzarieh sentry post, eight Iraqi forces installed 2 seven-piece communication antennas on the roof of the sentry post.

18. On 27 November 1994, 27 Iraqi motorboats with a total of 55 personnel were observed patrolling Arvand Rud.

19. On 27 November 1994, at 1945 hours, Iraqi forces stationed at Al-Meghdad sentry post at the geographic coordinates of ND 415-099 on the map of Khosravi in no man's land, north of border pillar 54 and south of border pillars 55 and 55/1 began firing with light weapons in the direction of Iranian police stationed at Darband-e-Joogh post.

20. On 28 November 1994, at 1150 hours, an Iraqi helicopter landed at the geographic coordinates of NC 7115-2250 on the map of Halaleh, near border post 39. The helicopter left the area at 1157 hours, on the same day, towards Iraqi territory.

21. On 28 November 1994, at 1745 hours, 20 Iraqi forces were observed reconstructing a bunker at the geographic coordinates of ND 427-050 on the map

of Khosravi in no man's land, west of border pillar 53/2, near Manzarieh sentry post.

22. On 28 November 1994, 39 Iraqi forces with a total of 93 personnel were observed patrolling Arvand Rud.

23. On 28 November 1994, at 2025 hours, Iraqi forces stationed in the general area of Khaneghein fired two illuminating shells towards the territory of the Islamic Republic of Iran. The engine and umbrellas of the illuminating shells fell down near the Iranian Passport Office at the Khosravi border post, just east of border pillar 53/2. At the same time, Iraqi forces stationed at Iraq's Seyed Borzou sentry post began firing towards the Iranian border police stationed at Valad Koshteh sentry post.

24. On 29 November 1994, at 0930 hours, an Iraqi motorboat was observed patrolling Arvand Rud, proceeding from Basra towards the sea.

25. On 29 November 1994, at 1000 hours, Iraqi forces stationed at the geographic coordinates of TP 280-690 on the map of Khorramshahr, opposite the confluence of Karoon and Arvand Rud, were observed constructing group bunkers and piers.

26. On 29 November 1994, at 1030 hours, two Iraqi motorboats with a total of six personnel were observed patrolling Arvand Rud, proceeding from Basra towards the sea.

27. On 29 November 1994, at 1400 hours, Iraqi forces stationed at Manzarieh sentry post began firing with light weapons in the direction of the territory of the Islamic Republic of Iran. The bullets hit the geographic coordinates of ND 052-432 on the map of Khosravi.

28. On 29 November 1994, at 1058 hours, Iraqi forces were observed repairing bunkers at the geographic coordinates of TP 276-693 on the map of Khorramshahr in no man's land, opposite the Karoon and Arvand Rud confluence.

29. On 29 November 1994, 20 Iraqi motorboats with a total of 50 personnel were observed patrolling Arvand Rud.

30. On 30 November 1994, 26 Iraqi motorboats with a total of 46 personnel were observed patrolling Arvand Rud.

31. On 30 November 1994, seven Iraqi commanders aboard two Toyota Landrovers entered Manzarieh sentry post and inspected the post.

32. From 30 November to 2 December 1994, Iraqi forces were observed constructing four bunkers near the geographic coordinates of NC 710-210 on the map of Halaleh in no man's land, between north-west and south-west of border pillars 37 and 38.

It would be highly appreciated if this letter was circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Permanent Representative

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LETTER DATED 27 FEBRUARY 1995 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNTIED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the statement made by the President of the Azerbaijani Republic Mr. H. A. Aliyev on 24 February 1995 in connection with the third anniversary of the genocide perpetrated by the Armenian aggressors in the town of Khojaly (see annex I), and also a statement issued by the Azerbaijani Ministry of Foreign Affairs which I have received by facsimile (see annex II).

I should be grateful if you would have these statements circulated as a Security Council document.

(Signed) E. KOULIYEV
Permanent Representative

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Annex I

Statement made on 24 February 1995 by the President of Azerbaijan

Three years have elapsed since the Khojaly tragedy, one of the bloodiest episodes in the history of our people's struggle for national independence. This genocide, which was perpetrated with the support of foreign pro-imperialist forces, was an exceptionally brutal part of a deliberate plan of aggression pursued by the Armenian aggressors against the independent Azerbaijani State; it was an unprecedented act of vandalism and has been recorded in the history of the twentieth century as a crime against all humanity. The ruthless act of vengeance against the civilian population and the incomprehensible cruelty that occurred unmasked and exposed to the international community the true face of the Armenian reactionaries and their foreign protectors.

The power struggle that was going on in the Republic at that time also provided fertile ground for this terrible tragedy. The political bankruptcy of the then-leaders of our country and the stance they adopted at variance with our nationwide interests was a major contributing factor in the Khojaly tragedy.

Despite the cruel nature of these crimes, which were intended to sabotage our untiring struggle for national rebirth and independence, they were unable to undermine our people's fighting spirit or break its resolute will.

On this day of national sorrow I urge the Azerbaijani people to remain steadfast in its will and determination to be prepared for coming battles to defend our national statehood and sovereignty. The sacred memory of our martyrs requires this of us.

Once again I salute the sacred memory of the innocent victims of the Khojaly tragedy. I offer my condolences to our people.

Heydar Aliyev
President of the
Azerbaijani Republic

Annex II

Statement issued on 24 February 1995 by the Ministry of Foreign Affairs of Azerbaijan

We shall soon mark the tragic date of the seventh anniversary of the start of the undeclared war that is being waged by the Republic of Armenia against the Azerbaijani Republic.

This war, which was foisted on Azerbaijan while it was acceding to independence, has been a harsh ordeal for the Azerbaijani people and has imposed a heavy burden on the young State's economy. The aggression by the Republic of Armenia has resulted in the occupation of 20 per cent of Azerbaijan's territory; over 1 million people have been forced to flee their place of permanent residence and have become displaced persons and refugees in their own land. The war has destroyed the integrated economic order of the Azerbaijani State and the structures of its national economy.

The main cause of this war which has been foisted on Azerbaijan is the territorial claim of the Republic of Armenia to the Nagorny Karabakh region of the Azerbaijani Republic. Armenia has made no attempt to conceal the fact that its principal objective has been to seize the Nagorny Karabakh region of Azerbaijan and incorporate it into the Republic of Armenia. The achievement of these objectives has progressed in the following manner: An unlawful decision was taken by the executive committee of the former Nagorno-Karabakh Autonomous Region of Azerbaijan in February 1988 concerning the withdrawal of the region from Azerbaijan and its incorporation into Armenia; a decision by the parliament of the Republic of Armenia in December 1989 incorporated the Nagorno-Karabakh Autonomous Region of Azerbaijan into the Republic of Armenia; a decision by the Armenian parliament in July 1992 stated that any international or internal state documents suggesting that Nagorny Karabakh was a part of Azerbaijan were unacceptable to the Republic of Armenia. These unconstitutional and illegal acts, which in essence, constituted political and legal aggression against a sovereign State, namely the Azerbaijani Republic, have never been repudiated by the Republic of Armenia, thus proving that Armenia should bear sole responsibility as the organizer and principal agent of the aggression against Azerbaijan.

During this seven-year war, the armed forces of the Republic of Armenia have committed thousands of crimes in Azerbaijani territory. Tens of thousands of people have been killed, wounded and maimed as a result of these crimes.

Hundreds of settlements have been set on fire and destroyed; government, institutions, agricultural facilities and industrial enterprises, medical and consumer services, educational establishments, transport, power and water supply infrastructure and other important amenities have been plundered; and the communications of the Azerbaijani State have been disrupted. Architectural, cultural and historical monuments and mosques and religious buildings have been destroyed.

Irreparable ecological damage has been caused in the region. As a result of the aggression by the Republic of Armenia, the natural environment of the occupied Azerbaijani districts has sustained damage to the tune of $1 billion; 15 per cent of Azerbaijan's water reserves has been seized by the aggressors, and 260,000 hectares of forest, 1,000 hectares of arable land are situated in the occupied territories. Overall losses to the economy of Azerbaijan total several billion dollars.

Among the crimes committed by the Armenian armed forces in Azerbaijani territory, the destruction of the Azerbaijani town of Khojaly in February 1992 stands out for its villainy, brutality and cynicism. In a single night some 800 civilians were killed. Having lost all humanity, the Armenian gangsters did not spare women, children or old men, and pursued those escaping from encirclement and finished off the wounded, as evidenced by the large number of corpses of Khojaly residents that were found in the surrounding woods. The tragic toll of the Khojaly massacre included hundreds of dead, thousands of wounded and thousands captured. The barbaric crime of the Armenian terrorists at Khojaly can rightly be called a genocide of the Azerbaijani people and one of the cruellest mass crimes of the twentieth century, which has, essentially, gone unpunished.

In violation of all norms of international humanitarian law, the Republic of Armenia has to this day kept in captivity more than 4,000 Azerbaijanis, for the most part women, old men and children, the civilian inhabitants of the occupied districts of Azerbaijan who have been taken hostage. At the present time 62 Azerbaijani children are being forcibly held in Armenian captivity in spite of the efforts of the International Committee of the Red Cross to secure their release.

The situation in Azerbaijan today as a result of the undeclared war and Azerbaijan's position with regard to the settlement of the Armenian-Azerbaijani conflict are receiving understanding from the major States in the world, the most prestigious international organizations and world public opinion. Evidence of this can also be seen in the decision adopted at the summit meeting of the Organization for Security and Cooperation in Europe (OSCE) held at Budapest in December 1994, concerning the formation of OSCE peace-keeping forces and the deployment of such a force in the area of the conflict, and the resolution adopted at the summit meeting of the Organization of the Islamic Conference (OIC) in December 1994, which directly identified Armenia as the aggressor and demanded the immediate and unconditional withdrawal of its occupying forces from all the Azerbaijani territory it had seized.

Seven years of war have shown that nothing can undermine the determination of the Azerbaijani people to liberate the occupied lands and their will to defend the independence, sovereignty and territorial integrity of their State.

Azerbaijan has repeatedly given tangible proof of its commitment to the principle of the peaceful settlement of disputes and has based its approach to the solution of the Armenian-Azerbaijani conflict on the generally accepted international norms of respect for the sovereignty and territorial integrity of States and respect for human rights. However, all Azerbaijan's efforts to find a way out of the impasse in the conflict meet with the formidable obstacle of

the Republic of Armenia, which is seeking to consolidate the gains achieved as a result of its aggression against Azerbaijan.

The unconstructive position of the Republic of Armenia with regard to the conclusion of a peace agreement is the reason why there has been no progress so far in the negotiations. The Armenian side has still not shown any willingness to take a realistic approach to the solution of the problem of a settlement of the conflict. All the effort and actions of the Republic of Armenia are aimed at maintaining its occupation of Azerbaijani territories and, in violation of international standards and the decisions of OSCE, at enhancing the status of the representatives of the Armenian community of Nagorny Karabakh in the negotiations, while completely disregarding the rights of the Azerbaijani community of Nagorny Karabakh.

While declaring its commitment to the principles of the Charter of the United Nations and other basic international standards, the Republic of Armenia refuses to heed in practice the demands contained in the well-known resolutions of the Security Council on the immediate, unconditional and complete withdrawal of Armenian armed units from all occupied Azerbaijani territory and the return of refugees and displaced persons to their homes. The Republic of Armenia is using the negotiation process to gain time with a view to increasing its military presence and expanding deep into Azerbaijan. Disregarding the norms of international law, the Republic of Armenia is pursuing a policy of the fait accompli with respect to the occupied Azerbaijani territories.

The Republic of Armenia is continuing to pursue its annexationist plans, and to implement at the State level its deliberate programme to settle its citizens in the occupied territories of the Azerbaijani Republic, having first completed a massive cleansing of the area to rid it of its Azerbaijani population. In order to finance its campaign to build Armenian settlements in the occupied lands of Azerbaijan, the Republic of Armenia has organized fund-raising activities in Armenia and among the Armenian diaspora in various countries.

Similar provocative acts by the Republic of Armenia represent the continuation of its gross violation of the sovereignty and territorial integrity of the Azerbaijani Republic and testify to the complete disregard of the Republic of Armenia for the norms of international law and the Charter of the United Nations, as well as of OSCE principles. They undermine the process aimed at a peaceful political settlement of the Armenian-Azerbaijani conflict within the framework of OSCE.

It is a cause of particular concern that these actions should occur at the very time when OSCE, in pursuance of the decisions of the Budapest summit meeting, is actively engaged in practical efforts to establish the conditions for the speedy achievement of a political agreement between the parties to the conflict. All these artificially created obstacles are postponing and hampering the deployment of OSCE peace-keeping forces in the region with whose assistance the process of repairing the damage caused by Armenia's military aggression against Azerbaijan must begin.

The Azerbaijani Republic once again reaffirms its commitment to the maintenance of the cease-fire regime, which creates the conditions for the speedy conclusion of the negotiations and the start of a peace process which must lead to the complete liberation of all the occupied Azerbaijani territories and the return of the refugees to their homes.

Today, Azerbaijan appeals once again to all States in the world, to international organizations and to world public opinion, to take the necessary steps so that the Republic of Armenia will end its aggression against the Azerbaijani Republic, abandon its delaying tactics in the peace negotiations and its efforts to perpetuate the conflict, and withdraw its armed forces from all the occupied Azerbaijani territories.

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REPORT OF THE SECURITY COUNCIL MISSION TO BURUNDI ON 10 AND 11 FEBRUARY 1995

Letter of transmittal

Letter dated 28 February 1995 from the members of the Security Council mission to Burundi addressed to the President of the Security Council

We have the honour to transmit herewith the report of the Security Council's mission to Burundi, which took place on 10 and 11 February 1995. The report is submitted to the Council in accordance with a decision taken by the Council during information consultations on 6 February 1995.

(Signed) Ibrahim A. GAMBARI (Nigeria)
Chairman of the Mission

(Signed) Li ZHAOXING (China)

(Signed) Karel KOVANDA (Czech Republic)

(Signed) Gerhard HENZE (Germany)

(Signed) Julio RENDON BARNICA (Honduras)

(Signed) Nugroho WISNUMURTI (Indonesia)

(Signed) Karl F. INDERFURTH (United States of America)

Annex

Report of the Security Council mission to Burundi on 10 and 11 February 1995

[Original: English/French]

I. INTRODUCTION

1. On 6 February 1995, the Security Council, in informal consultations, decided to send a mission to Burundi. The mission arrived at Bujumbura in the morning of 10 February 1995.

2. The mission was led by H.E. Ibrahim A. Gambari, Permanent Representative of Nigeria. Its members included H.E. Mr. Li Zhaoxing (China), H.E. Mr. Karel Kovanda (Czech Republic), Mr. Gerhard Henze (Germany), Mr. Julio Rendon Barnica (Honduras), H.E. Mr. Nugroho Wisnumurti (Indonesia) and Mr. Karl F. Inderfurth (United States of America).

3. The terms of reference of the mission (see S/1995/112) were:

(a) To hold consultations with the Special Representative of the Secretary-General on the situation regarding political and security developments and his efforts in this regard and on additional ways in which the United Nations might further underpin his efforts;

(b) To hold talks with the President, the Prime Minister, the leadership of the security forces and the leaders of the opposition parties as well as United Nations agencies, members of the diplomatic corps, non-governmental organizations (NGOs) the Office of the Organization of African Unity (OAU) and other interested parties and convey to them the serious concerns of the Security Council over the recent political developments in Burundi;

(c) To stress to all the parties the strong support of the Security Council for the Convention of government of 10 September 1994 and the Government constituted on the basis of it and for the process of national reconciliation, and the Council's rejection of all attempts to undermine them or to destabilize the region;

(d) To submit a report to the Council.

4. The mission followed up on work done by an earlier Security Council mission to Burundi (see S/1994/1039).

5. The mission held in-depth consultations with the Special Representative of the Secretary-General, Mr. Ahmedou Ould Abdallah. It also held very useful meetings with most of the important leaders of the country, the leadership of the security forces, heads of political parties and members of the diplomatic corps. Meetings were also held with the representative of the OAU, representatives of NGOs and United Nations agencies active in Burundi, as well as with other dignitaries (see appendices I and II).

II. BACKGROUND TO THE VISIT

6. The political crisis of the summer of 1994, over electing the President of the country, was resolved on 10 September 1994 when the Forum of Negotiations reached a first agreement on power-sharing and most political parties signed the Convention of government ("the Convention"). The Convention provided, inter alia, for a Government of 25 members (55 per cent from the presidential majority, 45 per cent from the opposition minority) appointed by the President; a four-year transitional period; the appointment of a Prime Minister from among the opposition, who would countersign the President's decisions; and the creation of a National Security Council of 10 members, equitably divided between the Front pour la démocratie au Burundi (FRODEBU) and the opposition. All these steps would follow the election of the President.

7. On 18 September, the Forum of Negotiations reached a second agreement on the modalities for appointing the new President, which became an annex to the Convention. All political parties except the Parti pour le redressement national (PARENA), headed by former President Bagaza, signed the Convention and its annex. On 30 September 1994, the interim President, Mr. Sylvestre Ntibantunganya, the official candidate of FRODEBU, was elected by the National Assembly by 68 votes to 1. On 1 October, he was sworn in as definitive President of the country.

8. On 3 October, the Prime Minister, Anatole Kanyenkiko, was confirmed in office and on 5 October he formed a new Government of national unity, consisting of 13 parties (see appendix III). Six small opposition parties did not obtain posts in the Government, and this later became a point of contention.

9. In a report to the Security Council of 9 October 1994 (S/1994/1152), the Secretary-General noted that, although the situation had stabilized somewhat with the election of a new President, it still remained precarious and the international community should therefore continue encouraging the moderate forces in Burundi.

10. The fragility of the situation was underlined by the crisis concerning the proposed nomination of the Speaker of the National Assembly. The presidential appointment of Mr. Jean Minani (FRODEBU) was contested by the Union pour le progrès national (UPRONA), which accused Mr. Minani of having incited violence following the attempted coup of 1993. Although Mr. Minani denied these allegations, the crisis was resolved only when he relinquished the post of Speaker. The Secretary-General of FRODEBU, Mr. Leonce Ngendakumana, was appointed Speaker on 12 January.

11. The Minani crisis prompted UPRONA to demand that the Prime Minister, Mr. Kanyenkiko, who was viewed by some as having behaved too moderately during the crisis, resign in solidarity with his party. The Prime Minister, however, refused. UPRONA thereupon decided to expel him from the party, a decision which Mr. Kanyenkiko considered null and void.

12. That crisis was the beginning of concerted attacks on the Prime Minister and his Cabinet by extremist elements of his own party, UPRONA. These attacks culminated on 30 January when Mr. Charles Mukasi, the leader of UPRONA, called

for the Government to be "overthrown by all means" if a new Prime Minister did not immediately replace Mr. Kanyenkiko.

13. In view of this increasingly unstable situation, the President of the Security Council made a statement on 31 January 1995 (S/PRST/1995/5) in which the Council called upon all parties and other concerned to give support to the government institutions established in line with the Convention. The Secretary-General also issued a press statement on the issue on 1 February. It was in this highly charged atmosphere that the mission was dispatched.

III. OBSERVATIONS OF THE MISSION

14. The political and security situation remains precarious and is potentially explosive. Extremist elements, both Tutsi and Hutu, both within the coalition Government and outside it, have for their own reasons not accepted the power-sharing arrangements contained in the Convention. Those extremists have usurped the political initiative, at the expense of the moderate elements who constitute the majority of the population and have been silenced through threat and intimidation. This is the root cause of continuing political instability in the country.

15. The linchpin of the stability of the country is the Convention and the coalition Government. There are systematic and persistent efforts by extremist forces, notably those among the ranks of UPRONA, to undermine the coalition Government. They use various tactics, including inflammatory statements, calls for "dead city" strikes, street demonstrations, intimidation and incitement to violence.

16. Other extremist influences on the political and security situation in Burundi include the former Interior Minister Nyangoma, now active outside the country, and Palipehutu guerillas operating in the country's hinterland. Both are extremist forces recruited from the majority Hutu population. On the Tutsi side, the former President Bagaza and his PARENA party do not support the Convention and instead call for a national conference that would in effect ignore and cast aside the results of Burundi's democratic elections of 1993. Activities of all these extremist forces have also contributed to crippling the coalition Government and putting its future in doubt, thus undermining peace and stability in Burundi.

17. Further aggravating the situation is the fact that the security forces, which are mainly Tutsi, constitute an independent power centre, and their support of the coalition Government cannot be taken for granted.

18. The persistence of a culture of impunity constitutes a fundamental problem in Burundi. In particular, there has been no accountability, political or judicial, on the part of those directly involved in the October 1993 coup attempt and the massacre that ensued. In addition, the judicial system has largely collapsed and is often perceived as being partial. These factors jeopardize the survival of the coalition Government, the Convention and even peace and security in Burundi and in the region as a whole.

19. The presence of the OAU military observers is considered to be useful, but their effectiveness is limited by the restraints imposed on them by the Burundi security forces, which hamper their freedom of movement, and also by the fact that the present number (46) is far from adequate.

20. The Security Council's presidential statement of 31 January 1995 (S/PRST/1995/5) and its mission to Burundi underscored the support of the international community for the coalition Government and the Convention and may have contributed, however temporarily, to the easing of tension in the country.

IV. RECOMMENDATIONS

21. An international commission of inquiry into the October 1993 coup attempt and the massacres that followed, which was proposed by the Government in accordance with the Convention, should be established as soon as possible.

22. The mission recommends that the Council considers augmenting the United Nations presence in Burundi, under the direction of the Special Representative of the Secretary-General and in close cooperation and coordination with the relevant departments, in order to assist capacity-building by the Government of Burundi in the areas of:

(a) Building an impartial judicial system;

(b) Civilian police training, impartial investigations and support services, especially in urban centres;

(c) Establishing an effective administrative presence in the provinces.

23. The number (46) of OAU observers needs to be substantially increased and restrictions on their movement should be removed.

24. The mission recommends that the Council encourage the United Nations High Commissioner for Human Rights to deploy human rights monitors throughout the country, as requested by the Minister for External Relations and Cooperation of Burundi, taking into account the need for human rights monitors to operate under secure conditions and with sufficient mobility and equipment.

25. The mission strongly supports the implementation of the provision of the Convention of government to hold a national debate that would allow the participation of all segments of society, as a means of fostering political dialogue in the country.

26. The mission recommends that visits to Burundi of high-level international delegations, which underscore the continued concern of the international community and help to diffuse the tension, should be continued.

27. In their efforts to promote political stability and national reconciliation, some members of the mission believe that the Security Council should explore the possibility of imposing selective sanctions against individuals believed to belong to extremist groups in Burundi, such as denial of

entry visas and freezing of their foreign accounts, while other members take the view that selective sanctions against individuals may be counter-productive.

V. CONCLUDING REMARKS

28. The members of the mission would like to express their strong support for the continued efforts towards peace and stability in Burundi made by the Special Representative of the Secretary-General and his staff.

29. The mission wishes to express its gratitude and appreciation to the Special Representative of the Secretary-General and members of his staff for the valuable assistance rendered to it during the visit to Burundi.

Appendix I

Programme of the Security Council mission to Burundi

Friday, 10 February 1995

1000 hours	Briefing by the Special Representative of the Secretary-General, Mr. Ahmedou Ould Abdallah
1030 hours	Meeting with the Minister of External Relations and Cooperation, Mr. Jean-Marie Ngendahayo
1140 hours	Meeting with the Minister of National Defence, Major Firmin Sinzoyiheba, the Chief of Staff of the Army, Colonel Jean Bikomagu and the Chief of Staff of the Gendarmerie, Colonel Sebastien Bahebura
1300 hours	Working lunch with the Minister of External Relations and the Minister of National Defence
1540 hours	Meeting with the heads of the political parties signatory to the Convention of government
1840 hours	Meeting with the Special Representative of OAU, Amb. Bassole
1915 hours	Meeting with former President Pierre Buyoya
2130 hours	Meeting with the President of UPRONA, Mr. Charles Mukasi

Saturday, 11 February 1995

0800 hours	Meeting with the heads of United Nations agencies
0930 hours	Meeting with Western ambassadors and ambassadors of Security Council permanent member States
1050 hours	Meeting with the Prime Minister, Mr. Anatole Kanyenkiko
1230 hours	Working lunch with representatives of United Nations agencies and non-governmental organizations
1410 hours	Meeting with the Ambassador of Egypt, the Chargé d'affaires of Zaire and the First Counsellor of Rwanda
1500 hours	Meeting with former President Jean-Baptiste Bagaza
1600 hours	Meeting with members of the Forum of Negotiations
1645 hours	Meeting with the President of the Republic, Mr. Sylvestre Ntibantunganya

1825 hours Meeting with the President of the National Assembly, Mr. Leonce Ngendakumana

Sunday, 12 February 1995

0830 hours Departure for Kigali, Rwanda

Appendix II

List of official contacts

1. Government of Burundi

Mr. Sylvestre Ntibantunganya, President of the Republic
Mr. Anatole Kanyenkiko, Prime Minister
Mr. Jean-Marie Ngendahayo, Minister of External Relations and Cooperation
Major Firmin Sinzoyiheba, Minister of National Defence
Colonel Jean Bikomagu, Chief of Staff of the Army
Colonel Sebastien Bahebura, Chief of Staff of the Gendarmerie
Mr. Leonce Ngendakumana, President of the National Assembly

2. Former leaders of Burundi

Former President Pierre Buyoya
Former President Jean-Baptiste Bagaza

3. Political parties and organizations

Mr. Jean Minani, President of the Front pour la démocratie au Burundi (FRODEBU) (majority party)
Mr. Charles Mukasi, President of the Union pour le progrès National (UPRONA) (opposition party)
Mr. Schadrack Niyonkuru, President of the Parti du peuple (majority party)
Mr. Ernest Kabushemeye, President of the Parti du rassemblement du peuple burundais (RPB) (majority party)
Mr. Alphonse Rugambarara, President of the Inkinzo-PPO (opposition party)
Mr. Vincent Ndikumasabo, President of the Parti social démocrate (PSD) (opposition party)
Mr. Gaëtan Nikobamye, President of the Parti libéral (majority party)
Mr. Mathias Hitimana, President of the Parti pour la réconciliation du peuple (opposition party)
Mr. Therence Nsanze, President of the Alliance burundo-africaine pour le salut (ABASA) (opposition party)
Mr. Vincent Kubwimana, Secretary-General of the Confédération des Syndicats Libres du Burundi
Mr. Antoine Nijembazi, Vice-President of the Association des Employeurs du Burundi

4. Diplomatic corps

The mission of the Security Council met with the ambassadors of the following United Nations Member States:

Belgium
China
Egypt
Germany
Rwanda
Russian Federation
United States of America
Zaire

5. Non-governmental organizations

Mr. Thomas Gonnet, Action Internationale contre la Faim (AICF)
Père Yves Brasseur, Jesuit Refugee Service
Mrs. Dina Lodolo-Zanardi, Federation of Italian NGOs
Mr. Wiles and Ms. Hall, OXFAM
Mr. Swen Lampell, International Federation of Red Cross and Red Crescent Societies
Mr. Javier Gabaldon, Médecins sans Frontières - Belgium
Mr. James O'Connor, Catholic Relief Services
Mr. Philip Christensen, Care-Canada
Abbé Onesiphore, CED-CARITAS

Appendix III

Recognized political parties*

1. Charles Mukasi, President of UPRONA - PPO
2. Mathias Hitimana, President of PRP - PPO
3. Schadrack Niyonkuru, President of the Parti du peuple - FCD
4. Cyrille Singejeje, President of RADDES - PPO
5. Sylvestre Ntibantunganya, President of FRODEBU - FCD
6. Ignace Bankamwabo, President of ANADDE - PPO
7. Ernest Kabushemeye, President of RPB - FCD
8. Nicéphore Ndimurukundo, President of the Parti indépendent des travailleurs - PPO
9. Alphonse Rugambarara, President of Inkinzo - PPO
10. Thérence Nsanze, President of ABASA - PPO
11. Vincent Ndikumasabo, President of PSD - PPO
12. Gaëtan Nikobamye, President of the Parti libéral - FCD
13. Jean-Baptiste Bagaza, President of PARENA - PPO

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* PPO = Opposition parties.
FCD = Majority parties.

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REPORT OF THE SECURITY COUNCIL MISSION TO RWANDA ON 12 AND 13 FEBRUARY 1995

Letter of transmittal

Letter dated 28 February 1995 from the members of the Security Council mission to Rwanda addressed to the President of the Security Council

We have the honour to transmit herewith the report of the Security Council's mission to Rwanda, which took place on 12 and 13 February 1995. The report is submitted to the Council in accordance with the terms of reference for the mission agreed upon by the Council during informal consultations on 6 February 1995.

(Signed) Ibrahim A. GAMBARI (Nigeria)
Chairman of the Mission

(Signed) LI Zhaoxing (China)

(Signed) Karel KOVANDA (Czech Republic)

(Signed) Gerhard HENZE (Germany)

(Signed) Julio RENDON BARNICA (Honduras)

(Signed) Nugroho WISNUMURTI (Indonesia)

(Signed) Karl F. INDERFURTH (United States of America)

Annex

Report of the Security Council mission to Rwanda
on 12 and 13 February 1995

I. INTRODUCTION AND ACTIVITIES OF THE MISSION

1. On 6 February 1995, the Security Council decided that its mission to Burundi would make a stopover in Rwanda on 12 and 13 February 1995 before its return to New York. According to the terms of reference (S/1995/112) for the visit, the mission would hold consultations with the Rwandese Government regarding its efforts towards national reconciliation and reconstruction and the problem of the return of refugees. It would also hold consultations with the Special Representative of the Secretary-General, United Nations agencies, United Nations Assistance Mission in Rwanda (UNAMIR) personnel, members of the diplomatic corps and non-governmental organizations (NGOs) in Kigali and, upon its conclusion, submit a report to the Security Council.

2. The mission arrived at Kigali on 12 February, from Bujumbura. It was led by H.E. Mr. Ibrahim A. Gambari, Permanent Representative of Nigeria to the United Nations, and comprised H.E. Mr. Li Zhaoxing (China), H.E. Mr. Karel Kovanda (Czech Republic), H.E. Mr. Gerhard Henze (Germany), H.E. Mr. Julio Rendon Barnica (Honduras), H.E. Mr. Nugroho Wisnumurti (Indonesia) and Mr. Karl F. Inderfurth (United States of America).

3. It emerged from recent reports by the Secretary-General (S/1995/65 and S/1995/107) that, while significant progress has been made towards restoring normality and stability to Rwanda, more needed to be done. In the letter of 10 February from its President addressed to the Secretary-General (S/1995/130) and its presidential statement of 10 February (S/PRST/1995/7), the Security Council demonstrated its continued concern and, above all, its readiness to support additional practical measures and efforts that would lead to a more peaceful and stable Rwanda. While acknowledging the achievements of the Government of Rwanda, despite the difficulty of the task and the limited resources available to it, the Security Council expects the Government to intensify its efforts to repatriate refugees, to promote national reconciliation and to reinvigorate the political process, including the creation of an appropriate mechanism for sustaining dialogue between the Government, the refugee community and the United Nations.

4. During its stay in Rwanda, the mission held meetings with Mr. Pasteur Bizimungu, President of the Republic of Rwanda (with Mr. Anastase Gasana, Minister for Foreign Affairs, and Mr. Jacques Bihozagara, Minister for Rehabilitation and Social Reintegration, in attendance), Major General Paul Kagame, Vice-President and Minister of Defence of Rwanda, and Mr. Faustin Twagiramungu, Prime Minister of Rwanda. In addition, the mission held consultations with Mr. Shaharyar M. Khan, Special Representative of the Secretary-General for Rwanda, Brigadier General Henry Anyidoho, Deputy Force Commander of UNAMIR, representatives of United Nations agencies and offices in Rwanda, members of the diplomatic corps and representatives of NGOs. The mission visited a camp for internally displaced persons in Kibeho, in

south-western Rwanda. The mission's program of work in Rwanda, and a list of participants in its various meetings, are attached to the present report (see annexes I and II).

II. OBSERVATIONS

5. Several perspectives were heard on how best to move forward to stabilize the situation in Rwanda. While it was generally agreed that the most important goal was to prevent the recurrence of the tragedy that had recently befallen Rwanda, the specific issues of repatriation, reconciliation, reconstruction and the need for justice were seen as interrelated, although differences were evident as to the priorities in addressing those concerns.

6. The return and resettlement of internally displaced persons and refugees was seen as a prerequisite for long-term stability and progress. The Prime Minister emphasized that, without reconciliation, peace would not be possible. Bringing to justice those responsible for genocide and other serious violations of international humanitarian law in Rwanda constituted another priority.

7. The mission was informed of progress in facilitating the return and resettlement of internally displaced persons, especially through "Opération Retour". This programme, coordinated jointly by UNAMIR and United Nations agencies, in cooperation with the Government and supported also by NGOs, was launched on 29 December 1994.

8. Fear remains the single most important factor impeding the return of internally displaced persons and refugees. Government officials informed the mission of progress made in safeguarding the rights of innocent citizens and stressed the urgent need for assistance in order to restore an effective judiciary and a trained police force. Government officials explained their concerns with regard to the International Tribunal for Rwanda, but reaffirmed Rwanda's readiness to cooperate with the Tribunal and expressed the hope that it would begin its work as soon as possible.

9. Regarding reconciliation, progress has been marginal so far. While recognizing that national reconciliation was a continuous process, the view was stressed that a number of immediate steps and measures were called for, such as active repatriation, the creation of a political and psychological climate conducive to reconciliation and the restoration of an effective and functioning judiciary. Concern was expressed, on the other hand, that many of those accused or suspected of carrying out atrocities had so far shown no remorse or contrition, a situation that was seen as discouraging efforts towards reconciliation, by making forgiveness difficult.

10. Government officials also emphasized that they respected, and indeed accepted the spirit of an inclusive and broad-based Government, as provided for under the Arusha peace agreement, to which their Government remained fully committed. It was pointed out that the Arusha accords were part of Rwanda's fundamental or basic law ("loi fondamentale"). They further pointed out, however, that returning to the country was the precondition for participating in the political process. Officials also indicated that the Government had

recently commenced dialogue with representatives of Rwandese refugee communities in Burundi. They explained that dialogue with the refugee community in Zaire was not yet feasible in view of the insecurity and intimidation to which those refugees were subjected by armed elements in their midst.

11. The role of civic education and sensitization programmes emphasizing the respect for human rights, the rule of law and tolerance, was underlined. In this connection, Radio UNAMIR will make a positive contribution by providing Rwandese, both inside the country and in refugee camps, with factual and objective information.

12. Concerning rehabilitation and reconstruction, the mission was informed that the emergency phase was largely over and that emphasis was increasingly being placed on longer-term measures to rebuild the country. In this connection, the response of the international community to the January 1995 round-table meeting in Geneva and to the consolidated inter-agency appeal was encouraging. The importance of setting up an effective mine-clearance programme in Rwanda was also emphasized. Such a programme was considered particularly urgent in view of the need to ensure the proper resettlement of large numbers of internally displaced persons and refugees and to revive agricultural and reconstruction activities.

13. The Government expressed appreciation for the support provided by the international community for its programme of development and recovery. It also welcomed the role of United Nations agencies and operations, in particular UNAMIR, whose presence in the country was viewed as a most valuable factor for confidence-building and security in Rwanda.

14. The mission was encouraged by the progress made towards returning to normalcy in Rwanda; yet the country's problems are far from over. In fact, the critical challenges of social and political accommodation, on which genuine stability and long-term healing depend, are still to be addressed. During its visit to the Kibeho camp for internally displaced persons, the mission noted that the population in the camp was increasing rather than decreasing even as other camps in the area were apparently "melting away". The mission also heard from its residents that, despite the availability of basic relief supplies and other services provided by the United Nations and the humanitarian agencies, most internally displaced persons would rather return to their homes and farms but were held back by fear.

15. The gravity of the horrendous crimes committed recently in Rwanda is recognized by the international community which, through the Security Council, has established an International Tribunal to bring to justice those responsible. At the same time, it is imperative to move forward to re-establish order and, above all, to prevent a new cycle of injustices or atrocities. In other words, while trying to cope with the tragic consequences of its recent problems, Rwandese society must be enabled to rebuild and to continue to function. Clearly, the primary responsibility in this regard rests with the Rwandese themselves, who must determine how to come to terms with each other. For healing to succeed and to endure, it should, above all, be indigenous and deliberate. It cannot be imposed.

16. The role of the international community has, to date, been to assist Rwanda's own efforts towards peace and progress. During its stay in Rwanda, therefore, the mission made it clear, especially in its discussions with government officials, that its purpose was to learn and to exchange ideas in order to enhance cooperation between Rwanda and the Security Council with a view to finding solutions to the problems at hand. The visit and the discussions held convinced the mission of the continuing validity of the Security Council's approach to date, based essentially on the sharing of responsibilities between the Government and the international community, especially in the areas of repatriation, reconstruction and reconciliation.

17. On repatriation, the mission believes that as long as 2 million Rwandese remain in camps in and outside their country, the situation in Rwanda will remain inherently unstable. It therefore considers their return home as a matter of highest priority in the interest of lasting and sustainable peace and progress. The mission agrees that ensuring security in the refugee camps is vital for the success of efforts to accelerate repatriation. In this regard, it reaffirms the Security Council's endorsement of recent arrangements made by the Office of the United Nations High Commissioner for Refugees (UNHCR) with the Governments of Zaire and the United Republic of Tanzania to enhance security in the Rwandese refugee camps in these countries and supports the Council's request to the Secretary-General to continue to explore all options and to make any further recommendations necessary to realize effective security in the camps.

III. RECOMMENDATIONS

18. The mission believes that the Government of Rwanda should intensify its efforts to create favourable conditions and an auspicious climate inside the country to encourage and facilitate repatriation. In this connection, it is considered that the Government's action in the following areas could be particularly helpful: (a) reinvigorating the political process, including the creation of a framework for dialogue between the Government, refugee representatives and the United Nations; (b) launching, in cooperation with civic associations, religious leaders, the United Nations and NGOs, a civic education programme within the country, including in internally displaced persons camps, and directed also at refugee camps through radio, to promote harmony among all Rwandese; (c) moving expeditiously to put in place an effective mechanism to protect property rights; (d) establishing a transparent and effective judiciary; (e) setting up and deploying nationwide a trained police force; (f) establishing an effective civil administration throughout the country; and (g) continuing to allow unimpeded access throughout the country to UNAMIR, humanitarian personnel and human rights monitors. The mission recommends furthermore that the international community support the Government's efforts.

19. The mission reaffirms the call by the Security Council contained in its presidential statement of 10 February 1995 for the full implementation of the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property.

20. The mission believes that the generous response of the international community to the recent round-table meeting in Geneva and the consolidated

inter-agency appeal will make a major contribution towards the rehabilitation and reconstruction of Rwanda.

21. The mission recommends the setting up as soon as possible in Kigali of a United Nations inter-agency mine-clearance programme and expresses the hope that the international community will contribute generously to the programme.

22. The mission is of the view that national reconciliation is a continuous process. It could be facilitated by efforts to promote repatriation and rehabilitation, including the measures outlined above. It could also be aided by concrete movement in the area of justice. The mission therefore recommends that the International Tribunal become operational as soon as possible in close cooperation with the Government of Rwanda. In the meantime, and in view of the fact that both the Prosecutor and Deputy Prosecutor have been appointed and are supported by several staff members, the mission recommends that the Prosecutor's office also commence its work in Rwanda. In this connection, it hopes that a list of persons sought for questioning in connection with the violations of international humanitarian law concerning recent events in Rwanda, will soon be established and made public.

23. The mission considers that national reconciliation is principally a task for the Rwandese themselves. The Government should continue to play a leading role, including finding effective ways of broadening the political process to cover all sectors of the Rwandese society. In this connection, the mission welcomes the reaffirmation by the Rwandese Government of its commitment to the Arusha Peace Agreement.

24. The mission welcomes the commencement, as approved by the Government of Rwanda, of Radio UNAMIR and shares the view that it will make an important contribution towards repatriation and reconciliation efforts.

25. The mission notes the Security Council's recent agreement with the Secretary-General's recommendation to increase the strength of UNAMIR's civilian police component from 90 to 120 police observers. It stresses the importance of having a qualified team of civilian police observers and their deployment at the earliest possible time in order to enable UNAMIR to fulfil its mandated task to assist in the training of a new, integrated national police force for Rwanda.

26. The mission commends UNAMIR and other United Nations staff as well as NGO personnel in Rwanda for their dedication and commitment in the service of peace and supports their activities in Rwanda.

27. The members of the mission would like to express their gratitude and appreciation to the Special Representative of the Secretary-General and his staff for the valuable support and assistance rendered to them during the mission.

Annex I

Programme of work

Sunday, 12 February 1995

0845 hours	Arrival at Kigali
1000 hours	Meeting with United Nations agencies
1130 hours	Meeting with NGOs
1300 hours	Briefing by the Special Representative of the Secretary-General and the Deputy Force Commander of UNAMIR
1600 hours	Meeting with the diplomatic corps
1700 hours	Meeting of H.E. Mr. Gambari (Chairman) with the Nigerian contingent serving with UNAMIR
1930 hours	Buffet dinner offered by the Special Representative of the Secretary-General

Monday, 13 February 1995

0800 hours	Visit to Kibeho camp for internally displaced persons and Rukondo
1200 hours	Meeting with the Prime Minister
1500 hours	Meeting with the Vice-President and Minister of Defence
1700 hours	Meeting with the President
1900 hours	Press conference at Kigali airport
2010 hours	Departure from Kigali

Annex II

Participants in meetings with the Security Council mission

1. Meetings with officials of the Government of Rwanda

Mr. Pasteur Bizimungu, President
Maj. Gen. Paul Kagame, Vice-President and Minister of Defence
Mr. Faustin Twagiramungu, Prime Minister
Mr. Anastase Gasana, Minister for Foreign Affairs
Mr. Jacques Bihozagara, Minister of Rehabilitation and Social Integration

2. Meetings with representatives of United Nations agencies and offices in Rwanda

Mr. Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda
Brig. Gen. Henry Anyidoho, Deputy Force Commander, UNAMIR
Mr. Sukehiro Hasegawa, Resident Representative, United Nations Development Programme (UNDP)
Mr. Babacar Cisse, Deputy Resident Representative, UNDP
Mr. Roman Urasa, representative, UNHCR
Mr. Julio Gamba, Resident Representative, World Bank
Mr. Daniel Toole, representative, United Nations Children's Fund (UNICEF)
Mr. Carol Jaenson, Chief, Children in Difficult Circumstances Section, UNICEF
Mr. Randolph Kent, Humanitarian Coordinator in Rwanda, UNREO
Ms. Patricia Banks, Deputy Humanitarian Coordinator in Rwanda, UNREO
Mr. Techeste Zergaber, Country Director, World Food Programme (WFP)
Mr. Zlatan Milisic, Reports Officer, WFP
Mr. William Clarance, Head, United Nations Human Rights Field Operation in Rwanda
Mr. Paul Howard, Chief of Mission, Intergovernmental Organization for Migration
Mr. Mahamane Maiga, Acting Coordinator, World Health Organization
Mr. Ibrahima Kaba, Officer-in-Charge, Food and Agriculture Organization of the United Nations
Ms. Alana Armitage, Programme Officer, United Nations Population Fund (UNFPA)
Mr. Abdoulaye Mar Dieye, Interregional Adviser, Department for Development Support and Management Services, United Nations
Mr. Sidique Dao, Officer-in-Charge, Humanitarian Affairs, Office of the Special Representative of the Secretary-General, UNAMIR

3. Meeting with members of the diplomatic corps

Ms. Lucy Edwards, Ambassador, Canada
Mr. Huang Shejiao, Ambassador, China
Mr. Jacques Courbin, Ambassador, France
Mr. August Hummel, Ambassador, Germany
Mr. David Rawson, Ambassador, United States of America

Mr. Sylvain Ndayikengurukiye, Charge d'affaires a.i., Embassy of Burundi
Père Nguyen Van Tot, Chargé d'affaires, Holy See
Mr. Siguar Schelstraete, Belgium
Mr. Claude Latulippe, Canada
Père Henri Hoser, Holy See

Ms. Lilian Wong, Foreign and Commonwealth Office, United Kingdom of Great Britain and Northern Ireland

4. Meeting with the Steering Group of the NGO community in Rwanda

Mr. Teferra Shiawl, Africa Humanitarian Action
Mr. Askale Binga, Africa Humanitarian Action
Mr. Steven Rifkin, Save the Children
Mr. Tom Walker, Médecins sans Frontières
Ms. Barbara Kerstiens, Médecins sans Frontières
Mr. Yvan M'Bomo, Équilibre
Mr. Mungwakuzwe Canisius, Forum des ONG rwandaises (Forum of Rwandese NGOs)